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WELLS FARGO BANK, N.A.

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

14 ADEMAR A. MARQUES, an
individual,

15 Plaintiff,

16 v.

17 WELLS FARGO HOME MORTGAGE, INC.
18 dba AMERICA'S SERVICING
COMPANY, a corporation; and
19 DOES 1 through 10 inclusive,

20 Defendants.

21 WELLS FARGO BANK, N.A., a
22 national banking association,

23 Counter-Claimant,

24 v.

25 ADEMAR A. MARQUES, an
individual, and DOES 1-10,
26 inclusive,

27 Counter-Defendants.
28

Case No. 09-CV-01985 L (RBB)

Complaint Filed: 07/27/09

JOINT MOTION TO DISMISS ADEMAR
A. MARQUES'S FIRST AMENDED
COMPLAINT AND WELLS FARGO BANK,
N.A.'S COUNTERCLAIM

Courtroom: 14 (5th Floor)

Hon. M. James Lorenz

Plaintiff and Counter-Defendant ADEMAR A. MARQUES ("Marques"), and Defendant and Counter-Claimant WELLS FARGO BANK, N.A.¹ ("Wells Fargo"), based upon the following stipulation and agreement, do hereby jointly move that:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), and other relevant and applicable law, Marques's First Amended Complaint (and including any and all prior and subsequent complaints) is dismissed with prejudice. This dismissal shall apply to all of Marques's claims against all defendants, all of which shall be dismissed in their entirety, with prejudice.

2. Pursuant to Federal Rules of Civil Procedure 41(a)(1)(ii) and 41(c), and other relevant and applicable law, Wells Fargo's Counterclaim (and including any and all prior and subsequent counterclaims) is dismissed with prejudice. This dismissal shall apply to all of Wells Fargo's claims against all counter-defendants, all of which shall be dismissed in their entirety, with prejudice.

DATED: February 1, 2012

GOLDEN & CARDONA-LOYA, LLP

By /s/Octavio Cardona-Loya II
OCTOVIO CARDONA-LOYA II

Attorneys for Plaintiff
ADEMAR A. MARQUES

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¹ Wells Fargo Home Mortgage, Inc. was merged into Wells Fargo Bank, N.A. in 2004. Since the merger, "Wells Fargo Home Mortgage" has continued to operate as a division of Wells Fargo Bank, N.A., and to do business as "America's Servicing Company."

1 DATED: February 1, 2012

2 SHEPPARD MULLIN RICHTER & HAMPTON LLP

3
4 By /s/Erik S. Bliss

ERIK S. BLISS

5 Attorneys for Defendant
6 WELLS FARGO BANK, N.A.
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Ademar A. Marques v. Wells Fargo Home Mortgage, et al.
USDC, Southern District of California, Case No. 09 CV 1985 L RBB

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego; I am over the age of eighteen years and not a party to the within entitled action; my business address is 501 West Broadway, 19th Floor, San Diego, California 92101-3598. I certify that the content of this document is acceptable to all persons required to sign the document by obtaining either physical signatures or authorization for the electronic signatures of all parties on the document.

On **February 1, 2012**, I served the following document(s) described as:

- **JOINT MOTION TO DISMISS ADEMAR A. MARQUES'S FIRST AMENDED COMPLAINT AND WELLS FARGO BANK, N.A.'S COUNTERCLAIM**
- **[PROPOSED] ORDER GRANTING JOINT MOTION TO DISMISS ADEMAR A. MARQUES'S FIRST AMENDED COMPLAINT AND WELLS FARGO BANK, N.A.'S COUNTERCLAIM**

The following are those who are currently on the list to receive e-mail notices for this case.

- **Octavio Cardona-Loya , II**
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AND by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

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Attorney for Plaintiff Ademar A. Marques

☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **February 1, 2012**, at San Diego, California.


DAWN ANDERSON